

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:04-00111

JOSEPH D. CLEMENT

**MEMORANDUM OPINION AND ORDER**

The court is in receipt of a letter from defendant requesting that the court remit the balance of his fine. 18 U.S.C. § 3573 permits a court, upon motion of the government, to remit all or part of an unpaid fine. The statute does not, however, permit a court to remit a fine upon motion of the defendant. See United States v. Benally, 2009 WL 1286014, \*1 (D. Ariz. 2009); Manjarres v. United States, 2008 WL 842415 (D.R.I. 2008); United States v. Jupiter, 2001 WL 34790221, \*1 (W.D. Va. 2001). As such, the motion to remit must be DENIED.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of defendant, the government, and the Probation Office of this court.

IT IS SO ORDERED this 24th day of August, 2009.

ENTER:

A handwritten signature in dark ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge